IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.294 OF 2006

IN

NOTICE OF MOTION NO.1226 OF 2006

IN

L.C. SUIT NO.1406 OF 2006

WITH

CIVIL APPLICATION NO.380 OF 2006

Mohd.Munib Tahsil Khan & Ors. ...Appellants

Versus

The Municipal Corporation for

Greater Mumbai & Ors. ...Respondents

.....

Mr.Sharan Jagtiani i/b Mrs.Sujata Naik for Appellants.

Mrs.Geeta Joglekar for Respondents 1 & 2.

Mr.A.R.Patil, A.G.P. for Respondents 3 & 4.

.....

CORAM: A.M.KHANWILKAR, J.

MAY 5, 2006.

P.C.

1. It is not in dispute that the position in

front of the suit structure has been restored to its original form. Counsel for the Appellants, however, submits that the surface of the road is not properly done.

2. Counsel for the Authority, on instructions, submits that even the remaining finishing work will be completed at the earliest.

3. Accordingly, nothing survives for consideration in this Appeal. The same is disposed of with observation that the Authorities shall not dislocate the road in future unless due process of law is followed by them.

4. Appeal and the Civil Application disposed of on the above terms.

A.M.KHANWILKAR, J.